

HOUSE CONCURRENT RESOLUTION NO. 1014

A CONCURRENT RESOLUTION, Memorializing Congress to restore the historic role of the National Guard in America's defense policy.

WHEREAS, the National Guard, as this Nation's organized militia, is recognized as an existing and permanent part of our government and our way of life in the Constitution of the United States; Article I, Section 8, of the Constitution of the United States of America provides for the Congress to have the power to organize and discipline the militia, leaving to the respective states the powers to appoint the officers of the militia and to train the militia to the standard established by Congress; and the existence of a well-organized and disciplined militia under the control of the respective states in peacetime was accepted by the prospective citizens of the United States as sufficient protection of their liberties and freedoms from any standing military forces under the control of the President; and

WHEREAS, the provision of the militia clause led directly to the adoption and ratification to the Constitution of the United States; and under the enabling portion of this legislation, Congress has appointed the secretaries of the Army and the Air Force as the custodians for this nation's militia and requires them to insure their readiness at all times; and

WHEREAS, the Congress of the United States has seen fit to pass laws that place the National Guard in the first line of defense alongside the standing military forces of the United States, specified the National Guard as a separate land force and a separate air force, and directed that they be organized in the same manner as the Army and the Air Force; and

WHEREAS, we believe that the United States of America should base its defense on the militia concept in which large active military forces are only maintained when justified by an immediate lethal threat to our well-being and existence and the bulk of our nonmaritime defense capacity is maintained under the control of the people in the National Guard; and

WHEREAS, the Cold War ended in 1990, reducing and ultimately eliminating any direct lethal threats from conventional military forces to the American people, their liberties and their freedoms, and the Department of the Air Force has dutifully and effectively recognized the reality of America being a militia nation and shapes its forces consistent with the beliefs of the American people; and

WHEREAS, the Department of the Army has taken the opposite course, failing to support the Army National Guard of the United States in its Constitutional and statutory responsibilities; and

WHEREAS, the Army has reduced the size and reshaped the Army National Guard over the last eight years; and, the active component Army is budgeting for a reduction of 38,000 in authorized National Guard personnel and this reduction, if implemented, will call for closing of National Guard Armories; and

WHEREAS, we believe these actions have resulted in a leadership environment within the components of the total Army that is counter-productive to efficiency and effectiveness of our Nation's military forces; and

WHEREAS, this situation in the Army indicates a lack of civilian control:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-third Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature urges the Secretary of Defense to reestablish civilian control over the military departments and to reestablish the effective custodianship of the Secretary of the Army over the Army National Guard of the United States and requires the Army to take those steps necessary to allow the Army National Guard to achieve the readiness levels established in law by the Congress of the United States; and

BE IT FURTHER RESOLVED, that the Congressional Delegation of this state and all other members of the Congress be encouraged to closely and continuously monitor the reestablishment of civilian control of the military and its custodianship over the National Guard and to provide whatever support is necessary to allow the Secretary of Defense to make this occur, and to insist that Army leadership provides the resources and assistance prescribed for all units of the Army National Guard to achieve and maintain the readiness level established by Congress; and

BE IT FURTHER RESOLVED, that national policy should be that nonmaritime military forces will be in the National Guard unless an adequate rebuttal can be made that specified forces must be in the active component to meet specified defense requirements.

Adopted by the House of Representatives,
Concurred in by the Senate,

February 12, 1998
February 18, 1998

Rex Hagg
Speaker of the House

Karen Gerdes
Chief Clerk of the House

Carole Hillard
President of the Senate

Patricia Adam
Secretary of the Senate